IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.2104 OF 2003

Mr.P.N. Joshi for the Petitioner.

Office Notes, Office Memoranda of Coram, appearances, Court's order or directions	Court's or Judge's orders
	CORAM: D.K.DESHMUKH, J.
	DATED: 20TH APRIL,2005
	P.C.:
	Rule. Returnable forthwith. Heard finally by consent of parties.
	1. An application made by the Plaintiff for amendment in the plaint is rejected on the ground that the amendment is likely to change the nature of the suit. I have perused the amendment. The real nature of the amendment is to place on record subsequent events taking place during the pendency of the suit. Even assuming that the amendment changes the nature of the

suit, unless the court finds that permitting the Plaintiff to change the nature of the suit will prejudicially affect the other side, the amendments cannot be rejected. In my opinion, therefore, following order would meet the ends of justice.

O R D E R

The order impugned is set aside. Application at Exh.21 on record of Regular Civil Suit No.49 of 2001 is granted. All contentions that may be available to the Defendants are kept open to be raised. Defendant is granted permission to amend his written statement accordingly. Rule made absolute accordingly. No order as to costs.

...